

EDMONDS CITY COUNCIL RETREAT

APPROVED MINUTES

February 1-2, 2013

The Edmonds City Council retreat was called to order at 9:00 a.m. on Friday, February 1, 2013 in the Brackett Meeting Room, City Hall, 121 5th Avenue North, Edmonds, Washington. The meeting was opened with the flag salute.

ELECTED OFFICIALS PRESENT

Friday, February 1

Dave Earling, Mayor
Lora Petso, Council President
Strom Peterson, Councilmember
Frank Yamamoto, Councilmember
Joan Bloom, Councilmember
Kristiana Johnson, Councilmember
Adrienne Fraley-Monillas, Councilmember
Diane Buckshnis, Councilmember

PUBLIC PRESENT

Friday, February 1

Bruce Witenberg
Don Hall
Darrol Haug
Ron Wambolt
Harry Gatjens
Al Rutledge
Roger Hertrich
John Westfall, FD1
Mark Correira, FD1

STAFF PRESENT

Friday, February 1

Al Compaan, Police Chief
Stephen Clifton, Community Services/Economic Development Director
Phil Williams, Public Works Director
Shawn Hunstock, Finance Director
Carrie Hite, Parks & Recreation Director
Rob Chave, Acting Development Services Dir.
Kernen Lien, Senior Planner
Carolyn LaFave, Executive Assistant
Jeff Taraday, City Attorney
Sandy Chase, City Clerk
Jana Spellman, Senior Executive Council Asst.
Jeannie Dines, Recorder

1. ROLL CALL

City Clerk Sandy Chase called the roll. All elected officials were present.

2. OPENING REMARKS

Council President Petso explained she accepted all suggestions for the agenda. The agenda has been formatted to fit all the items within 1½ days, 10 minutes for each item. She also distributed to the City Council copies of a Guide to Best Practices for Councils.

3. AMENDMENTS TO AGENDA

COUNCILMEMBER FRALEY-MONILLAS MOVED, SECONDED BY COUNCILMEMBER BUCKSHNIS, TO MOVE ITEM 4B, ETHICS BOARD AND CODE OF ETHICS, TO ITEM 9 ON SATURDAY'S AGENDA. MOTION CARRIED UNANIMOUSLY.

4. CITY COUNCIL PROCESSES

A. ROBERT'S RULES

Councilmember Johnson explained the Council has been operating for the past 39 years under Resolution No. 292. She acknowledged there are other ways, but she feels Robert's Rules is the best alternative. She referred to Attachment 4, a decision tree for determining whether to continue using Resolution No. 292 or adopt Robert's Rules.

City Attorney Jeff Taraday suggested the City Council adopt a complete set of Robert's Rules as its official rules and distribute a shorter primer on the rules to Councilmembers to allow the Council to familiarize themselves with the rules. Councilmember Johnson suggested training on Robert's Rules be provided during a work session.

Summary: Schedule a work session and have an ordinance prepared for review by the Parks, Planning and Public Works Committee.

B. ETHICS BOARD AND CODE OF ETHICS

This agenda item was moved to Item 9 on Saturday's agenda.

C. MEETINGS AND AGENDA PROCESS

Councilmember Fraley-Monillas explained agendas have become extremely long during the past two years, resulting in the Council making major decisions after meeting for 4-5 hours. She was interested in streamlining meetings to reduce the length of the agenda and to allow the Council to focus on more important issues. Mayor Earling, City Clerk Sandy Chase, Council President Petso, Senior Executive Council Assistant Jana Spellman and she have discussed meeting to develop a plan/process to streamline the agenda.

Mayor and Council suggestions/comments included:

- Use the extended agenda more effectively such as informing Councilmembers when a major item has been added to the extended agenda and providing information in advance of the agenda.
- Agendas are lengthened by Councilmembers pulling items that have been reviewed by committee and scheduled on the Consent Agenda.
- Councilmembers pull items from Consent Agenda to provide transparency for citizens.
- Use Council Comments to provide updates for citizens on major items.
- Time spent in executive sessions contributes to the length of meetings.
- Have Councilmembers inform the Council President during the Council meeting if they want to delay an item so that the meeting can end at 10:00 p.m.
- The length of discussion could be reduced by Councilmembers stating their position and not arguing with other Councilmembers' positions.
- Many agenda items have lengthy discussion before conclusion which results in deferring items which then lengthens those meetings.
- Suggest Councilmembers ask questions of staff before the meeting.
- Clear and complete staff presentations reduce the number of Council questions.
- Questions arise as a result of Council discussion or public testimony.
- Consider establishing a practice for major items, if new information is provided, decision is delayed to a future meeting.
- On important issues, it is critical to ask questions in a public meeting. Councilmembers may ask questions of staff outside of a meeting and then ask again in a public meeting so that the public hears questions/answers.

- Discuss issues where there are a lot of questions during a work session first.

Summary: Council leadership work with staff to develop process/plan to streamline agendas.

D. TIMEFRAME FOR GETTING ITEMS ON CITY COUNCIL AGENDA

Senior Executive Council Assistant Jana Spellman explained she needs Council agenda memos the Wednesday before they are due to Ms. Chase on Thursday. If there are numerous attachments, she needs them the Monday before. She offered to provide each Councilmember a blank template of the agenda memo.

Councilmember Peterson encouraged Councilmembers to write their own agenda memos to inform Councilmembers and the public of their reasoning. Ms. Spellman explained she can research the history of an item; it is more important for Councilmembers to prepare the narrative on the agenda memo.

Summary: Information only.

E. ROLES

Councilmember Peterson recalled this was discussed at last year's Council retreat including a presentation regarding roles in a strong Mayor-Council form of government. One of the issues is: when is it appropriate for Councilmembers to ask questions of staff without going through the Council President and/or Mayor from a time management perspective. If there are questions about an item and staff is getting questions from all Councilmembers, it puts staff in an uncomfortable position and leaves the Mayor, who is in charge of staff, out of the loop.

Mayor Earling commented in the past year there have been several occasions where a significant amount of research was requested by a Councilmember on an issue. That becomes a problem because staff cannot do their own work. Mr. Taraday commented a similar question arises with regard to questions from a single Councilmember that requires a great deal of legal research.

Discussion followed regarding staff providing a response to all Councilmembers which is not a violation of the OPMA, establishing an amount of research time such as 2-4 hours for which the Mayor's approval is required, importance of Directors informing Councilmember how long research will take, seeking consensus from all Councilmembers for research on issues that will take a great deal of time, limited amount of time for Council to ask questions between Friday agenda and Tuesday meeting, and review of most agenda items by committee first prior to coming to the Council.

Summary: Include information on website for complex agenda items to allow Councilmembers early access to materials. Council President Petso will work with Ms. Chase and Ms. Spellman on a method. If staff is uncomfortable with the magnitude of a Councilmember's request for research, he/she contact the Councilmember to seek clarification, and if it requires a large time commitment, contact the Mayor and/or Council President.

F. PURPOSE OF SUBCOMMITTEES – TYPES OF ITEMS TO BE REVIEWED

Councilmember Peterson explained until recently there was no opportunity for public comment during subcommittees; the idea of subcommittee meetings was time for staff and Council discussion to answer questions early. He suggested the Council clarify, 1) whether public comment is 3 minutes of comment or an opportunity for a back and forth with Councilmembers and staff, and 2) the purpose of having items reviewed by a subcommittee. In the recent past more items are reviewed by subcommittees, which requires staff to prepare more agenda memos and if the item is pulled from the Consent Agenda, staff must be available to

answer questions at a Council meeting. He pointed out the opportunity for public comment should be consistent between committees.

Discussion followed regarding:

- The importance of allowing public comment including Q&A at the end of committee meeting.
- Whether the intent is to allow the public to participate in the committee's discussion.
- The need for other formats to gather input from citizens.
- Inability of Councilmembers to interact with the public making comment during Council meetings.
- Ability for Councilmembers to ask staff to respond to a citizen's question made during public comment.
- Purpose of subcommittee meetings is staff/council mini-work session.
- Concern that adding Q&A to committee meetings expands their purpose to be more citizen-oriented, and concern with putting staff on the spot with Q&A with the public.

Summary: Allow 3 minute public comment/questions at the end of committee meetings. If a citizen asks a question, a Councilmember can ask the question of staff. Have the same practice in all committees. The public's questions do not have to be related to items on committee's agenda.

G. POLICIES FOR PUBLIC WORKS PROJECTS

Public Works Director Phil Williams referred to the Council's earlier discussion regarding reducing the length of the Council's agenda, explaining this topic would assist with that. The purpose of his recommendation is to deliver capital projects on schedule and within the construction season. He described the current process and presented staff recommendations to accelerate the City capital project schedule:

- Requests for Qualifications:
 - Any project meeting the below criteria that is going to be designed by a consultant can go through the RFQ process and selection process without further authorization. All contracts for these services must comply with applicable purchasing policy guidelines including Council approval triggers.
- Requests for Bids
 - Each year with the adoption of the budget ordinance, Council would pre-authorize previously approved capital projects to go to bid if they meet the following criteria:
 - The project is specifically listed in the approved CIP for going to construction during that year.
 - The budget for the project has been specifically approved in the annual budget.
 - All of the funding needed for construction is secured.
- Project Award
 - If staff's recommendation is to award the project to the lowest responsive and responsible bidder and the approved budget is adequate, staff would place the award directly on the Council's general agenda calendar.

Mr. Williams summarized these modifications together could save 6-12 weeks on each City capital project. This will allow many larger and more complicated projects to be completed entirely within one budget year, saving project management costs and simplifying project accounting and budgeting. The Council still retains both fiscal and project level controls. If the Council is interested in pursuing, staff will work out the details such as changing the purchasing policy. Discussion followed regarding the current process that extends the schedule for capital projects.

Summary: Mr. Williams to present proposed language to implement recommendations to the Finance and Parks, Planning and Public Works Committees.

H. TIMELINES FOR APPROVING CAPITAL PROJECTS

This item was covered under 4G.

- i. **APPROVED CIP**
- ii. **APPROVED BUDGET**
- iii. **PROJECTS WITH SECURED FUNDING**

I. COUNCIL EXECUTIVE SESSIONS

Councilmember Yamamoto explained Mr. Taraday has not prepared a resolution regarding note taking during executive sessions due to other priorities. The Council's direction was not a significant change to the current practice. Councilmember Yamamoto expressed concern with the recent number of executive sessions. Mr. Taraday explained the vast majority of executive sessions are related to litigation and potential litigation. He anticipated a number of executive sessions will be necessary in the coming months.

Mr. Taraday relayed the Council's direction regarding executive session notes was for him to bring back a modification to Resolution No. 853; the Council will continue to keep notes on executive sessions regarding litigation but no other forms of executive session such as acquisition of real property or labor negotiations.

Council suggestions included:

- Scheduling lengthy executive sessions on a different night to avoid a 90 minute executive session prior to a 3 hour Council meeting.
- The City Attorney providing advance materials, identified as executive session materials, regarding what will be discussed in executive session.

5. POTENTIAL REVENUE OPTIONS

A. METROPOLITAN PARK DISTRICT (MPD) AND/OR PARK LEVY OPTIONS

Parks & Recreation Director Carrie Hite reported a special committee of 40 citizens has met 5 times over the past year; Councilmember Yamamoto is the lead and Councilmember Buckshnis has also been involved. The citizen committee made a recommendation to the Council in July 2012 to, 1) continue to explore an MPD as an option and 2) it was too ambitious to do on a 2012 ballot. The Council expressed interest in continuing to explore options for park funding. The committee held one follow up meeting, but the effort was put on hold until the budget process was completed. The Committee recognized the 2013 budget would identify cuts that impacted parks and they could explore ways to restore those cuts via an MPD or park levy. There have been concerns expressed during the exploration process regarding establishing another junior taxing district. She recognized a park levy that was combined with a facilities, street and general operating levy failed last year; it may be time to consider a specific park levy.

Ms. Hite explained an MPD would request \$2.7 million from the voters. In preparation for the 2014 budget, the Council will be considering expenditure cuts and revenue options; an MPD or park levy could be a revenue option. A park levy could be packaged for a lower amount that would restore cuts in parks made over the past 2 years, retain the current service level and enhance some current service levels to complete capital projects. She reviewed an example of a park levy:

Example of Park Levy		
Purpose	Amount	Purpose
Restore	\$120,000	\$85,000 cut from 2013 budget and \$40,000 cut in the past
Retain	\$400,000	Maintain current service levels (amount an example, could be lower/higher)
Enhance	\$300,000	Deferred maintenance

	\$300,000	Bonding capacity
Total	\$1.1 million	

Ms. Hite commented if enough capital park funds were provided via a park levy, the Council could reconsider the allocation of REET for street funding.

Finance Director Shawn Hunstock explained a MPD, based on \$0.50/\$1000 levy, would generate approximately \$2.7 million. The scope of the MPD can differ. The RCWs identify what the funds generated by a MPD can be used for; for example they cannot be used for cultural arts.

B. REGIONAL FIRE AUTHORITY

Mr. Hunstock reviewed estimated annual revenue based on the current levy rate:

Revenue Source	Amount
Property Tax Levy \$1/\$1000 AV	\$5,545,372
EMS Levy \$0.50/\$1000 AV	\$2,772,686
FBC*	\$715,980
Total	\$9,034,038

* Preliminary estimate, needs to be updated if Lynnwood discontinues participation in RFA

Mr. Hunstock explained the City is in a planning process for an RFA. He hopes to have updated numbers to present to the Council next Tuesday along with a formal recommendation. Mill Creek has withdrawn and Lynnwood and 1 to 2 others are considering withdrawing. Mayor Earling reported FD7 and Mukilteo have withdrawn.

C. TRANSPORTATION BENEFIT DISTRICT

Mr. Hunstock reviewed TBD options:

Revenue Source	Amount	Approval Required
Additional \$20 per vehicle license fee	\$640,000	Legislature to enact
0.2% sales tax	\$1,300,000	Voter approval

Mr. Hunstock clarified a city can only do one of the above options not both.

D. PUBLIC SAFETY SALES TAX

Mr. Hunstock relayed a 0.1% Public Safety sales tax would generate approximately \$552,500. Mill Creek and other cities have successfully passed a 0.1% sales tax. He explained 1/3 must be used for public safety; the other 2/3 can be used for other expenditures. By law, 15% of the revenue is shared with the County.

E. SPECIAL OR GENERAL LEVY

Mr. Hunstock explained there is a wide range of options such as a general levy for no stated purpose or a specific levy for a defined purpose in the ballot language. To the extent the purpose is stated in the ballot language, the funds must be used for that purpose. There is no limit on the amount, other than statutory limits on the maximum amount the City can levy. The City is not at that maximum amount but to the extent a MPD/RFA is levied, the City would approach that maximum limit. He estimated with the existing levy, the City could not have both an RFA and a MPD as it would potentially exceed maximum allowable statutory levies. He

summarized every \$0.10/\$1000 AV approved by voters generates approximately \$550,000. A levy can be for a specific time period or unlimited.

F. VOTED UTILITY TAX INCREASE

Mr. Hunstock explained State statute limits the utility tax on electricity, natural gas and telephone to 6% without voter approval. Each 1% above 6% would generate approximately \$575,000. There is no limitation on the use of the funds.

G. COST SAVINGS IDEAS

Mr. Hunstock summarized other potential revenue sources include a B&O tax, a head tax, or a voted bond levy such as was done for the Public Safety Complex.

Discussion followed regarding the approaching budget deficit, potential to release REET funds for streets with an approved park levy, deadlines for ballot measures, continued demonstration of cost savings efforts to increase public support for a park levy, disadvantages of a B&O tax and Council's opposition to it in the past, importance of Council unity regarding a levy, and preference for a single levy on the ballot.

If the Council is interested in pursuing either a MPD or park levy, Ms. Hite recommended a resident tolerance survey be conducted of options such as the amount, timing, purpose, etc. She estimated the cost of a survey at \$15,000-\$20,000.

Summary: Discuss potential revenue options and MPD/park levy at Finance Committee as soon as possible.

6. ECONOMIC DEVELOPMENT CODE ADMINISTRATION, COMPREHENSIVE PLANNING – PART 1

A. CITY CODE REVIEW/REWRITE UPDATE

Acting Development Services Director Rob Chave reviewed the general approach for a code mapping project:

- Technical exercise
 - Improve organization
 - User-friendly orientation
 - Web-based for online delivery
 - Identify and resolve conflicts
- Identify policy issues
 - Policy issues will require a separate public process
 - Could be simultaneous or follow-on process
- Problem:
 - Edmonds has standards that are specific to Edmonds and reflect community values and identity
 - No single template to adopt
 - No single consultant can provide a finished product
- Intent is to maximize available recourses
 - Requires substantial staff commitment and time
 - Use Code Publishing for presentation and online format and delivery
 - Use AWC template/author to provide legally sound modules to help organize re-mapped code

Mr. Chave described research done thus far:

- January 2013 – met with Code Publishing to review existing and potential expansion of online formats and features
- January 2013 – met with Carol Morris to review AWC templates and potential legal services

- 2012 – completed digital mapping of existing code (displayed digital map of ECC and ECDC)

Mr. Chave described what could be accomplished for the \$75,000 allocated for this effort, explaining what is done this year will determine what needs to be done next year. Discussion followed regarding using Code Publishing and Carol Morris versus hiring consultants.

Summary: This is to be considered an introduction; schedule further discussion at a Council work session. Mr. Chave suggested next month after there has been further discussions with Code Publishing and Carol Morris.

(Councilmember Johnson left the meeting.)

B. IMPLEMENTATION OF ROGER BROOKS' IDEAS

Community Services/Economic Development Director Stephen Clifton advised the “Seven Deadly Sins of Community Marketing,” “Twenty Ingredients for an Outstanding Destination” and the slides from Roger Brooks’ presentation are contained in the Council agenda packet. Mr. Brooks’ presentation is shown daily on the City’s government channel. He reviewed the “Twenty Ingredients for an Outstanding Destination” and what is being done to implement them, explaining implementation for the first 8 is driven by property/business owners and 9-20 by the public:

Ingredients for an Outstanding Designation	Implementation
1. Nearly all began with a plan	Brooks recommends not using legislative process to identify brand
2. They defined a strong brand and retail focus	In BD1, creating retail/dining/entertainment focus
3. They orchestrated recruitment of “critical mass” or “clustering”	BD1 retail/dining/entertainment focus. EDC land use committee preparing a white paper
4. They each have “anchor tenants”	Examples are ECA, Rick Steves, restaurants, Starbucks and travel stores
5. Lease agreements include defined operating hours and days	Will be discussed at DEMA’s retreat
6. People living and/or staying downtown: Hotels, condos, loft apartments	Property owners/developers interested in building, but does not pencil. Planning Board considering issue of step-backs
7. Pioneers with patient money were convinced to invest	Mayor Earling and he spoke with people with ties to substantial amounts of money who are interested in discussing large projects that excite the community
8. They started with just one block - a “demonstration project”	BD1 retail/dining/entertainment focus. If works, expand to other areas. Recent streetscape and building façade improvements are examples
9. Solving the parking dilemma	Clear and identifiable signs directing drivers to parking. Need to extend 2 hour parking to 4 hours
10. Public washrooms	Potential locations being discussed including between the Rusty Pelican and City Hall (remove landscaping and one parking stall)
11. Development of gathering places	Hazel Miller Plaza, 2 nd & Dayton, and Windermere are good examples. The owner of the Post Office property is interested in having a public space in front. Narrower streets and wider sidewalks such as on Main between 5 th & 6 th
12. Creation of good first impressions: Community gateways	
13. Design, fabrication & installation of a Wayfinding	Have signage program underway. Francis Chapin

System	applied for funds from Snohomish County Lodging Tax Advisory Committee
14. A good first impression: District gateways	
15. 20/20 signage equals \$\$\$	Businesses want blade signs. Recommend Planning Board consider exemption for blade signs
16. Sidewalk cafes & outdoor dining	
17. They invested heavily in retail beautification	Talking with property owners about painting buildings
18. Activities & entertainment	Edmonds has a lot of events and festivals
19. Downtown district(s) with a name	
20. Experiential marketing	Talk about what to do in Edmonds

Suggestions/comments included:

- Pursuing the blade sign exemption
- Code amendment required to change parking limits
- Concern there is not enough parking and employees using downtown parking
- Businesses want shorter parking limits to rotate customers
- Need to inform businesses why longer parking limits are advantageous
- Desire in past has been for more restricted parking to prevent commuters parking
- Need an overall parking plan rather than for individual neighborhoods
- Substantial cost of changing signs if parking limits are changed
- Businesses providing entertainment, draw people in for the evening
- Downtown needs to be like a mall, consistent hours

Summary: Discussion only.

D. FIBER OPTICS UPDATE

Mr. Clifton referred to information in the packet. He reported on businesses that have been connected and businesses interested in connecting. Discussion followed regarding availability of video of Council meetings on the City's website and funding to extend fiber to Highway 99.

C. WATERFRONT AND NEAR WATERFRONT AREA

It was agreed to discuss this under Item 7.

The retreat was recessed for lunch from 12:25 p.m. to 1:00 p.m.

(Councilmember Johnson returned to the meeting after lunch.)

7. ECONOMIC DEVELOPMENT, CODE ADMINISTRATION, COMPREHENSIVE PLANNING – PART 2

A. FORM BASED CODE

i. IMPACT ON THE COMPREHENSIVE PLAN

Mr. Chave responded to Councilmember questions:

- *Where does form based code occur in the process?* It is a form of zoning that implements the Comprehensive Plan.
- *How specific an area?* It is just like any zoning district; you could have a form based code for one zone like the BD1 or all BD zones; most target a specific area. It makes the most sense to do form based code

in an area where design is especially important or an area where a lot of development is expected and want to provide form/design basis as area develops.

- *Is incentive a form of form based code?* In the proposed Westgate form based code, there is a base line for height and a checklist of incentive items to achieve more height. Form based code does not have to provide incentives.
- *Edmonds' Comprehensive Plan speaks to incentive zoning but not form based code.* The Sustainability Element mentions incentive zoning as well as form based code such as looking at innovative methods.
- *Provide a description of form based code.* Traditional zoning is very prescriptive, it defines setbacks, heights, building envelope, but not what the buildings look like or how it relates to adjacent development/buildings or adjacent public/pedestrian areas. Traditional zoning also addresses uses as zoning was originally related to the separation of uses. Mixed use does not fit that model. Form based zoning talks less about uses; appearance of the development is the most important. There are many more pictures, diagrams, and the relationship of development to the street and adjacent buildings. Most form based zoning is a hybrid, with elements of form based code and traditional elements such as setback, land uses, etc. Form based zoning works better in mixed use areas than traditional zoning does.
- *If the Comprehensive Plan is changed to include form based zoning for an area, could development occur under the existing zoning before the zoning code is updated?* It depends on the guidance in the Comprehensive Plan, not contradict zoning but provide guidance. Mr. Taraday stated a Comprehensive Plan amendment may not be required to implement form based code unless there is language that contradicts form based code. The Council can also do a Comprehensive Plan amendment and area-wide rezone together; they are both legislative acts.
- *Are incentive zoning and development agreement tools to accomplish goals? Does incentive zoning have to apply to a specific location?* Any zoning such as form based, incentive zoning, or standard zoning are parts of a tool box; a tool can be selected to apply to a specific area. Mr. Taraday explained it may make sense to tailor incentives to a particular area because the Council may want different incentives in different areas.
- *Does form based have to result in a specific look such as Leavenworth?* Form based code establishes the relationship between buildings, bulk, etc. A theme can be established but it is usually more general.
- *Should subareas be established?* Mr. Taraday stated a subarea plan is referred to in GMA and is intended to be used at the Comprehensive Plan stage, not necessarily at zoning stage.
- *How is mixed use defined, does it always include residential?* It can be any mixture of uses the Council feels is appropriate. Sometimes the mixture is defined, other times it is left to later definition.
- *Can the City require a property owner to enter into a development agreement?* No, the City cannot force someone to enter into a development agreement.
- *When are details of a development agreement determined?* Mr. Taraday replied after zoning is established.
- *How is the Council involved in development agreements?* Mr. Taraday replied State law requires Council approval.
- *How are the details of a development agreement determined?* Mr. Taraday responded someone begins drafting a development agreement, usually the developer's lawyer; they submit it to staff and the City Attorney, and it goes back and forth until it is something the developer can live with and staff is comfortable making a recommendation to the City Council. A public hearing is held on the draft development agreement.
- *If the Council changes the Comprehensive Plan and zoning, the Council is not involved until a development agreement is recommended by staff. What if the Council does not feel it is consistent?* Mr. Taraday commented it is important to have enough detail in the code to give staff and the developer guidance regarding what to include in the development agreement.
- *It seems like once the code is changed, the Council loses control over the process.* Mr. Taraday stated the City Council is a legislative body. The most important way it can exercise control over what is developed is to make sure the Comprehensive Plan vision and area-wide zoning regulations are consistent with what they want.

- *Can a developer enter into a development agreement and later change it? If one Council enters into a development agreement, can a future Council change the development agreement?* Both parties must agree and a public hearing must be held.
- *Could there be times when the Council may not be able to deny a development agreement?* Mr. Taraday responded the Council can always deny a development agreement; there may be liability for denying under certain situations. For example a development agreement that did not comply with the zoning code could be denied.
- *Can the City not allow development agreements as a tool?* Mr. Taraday replied State law does not require development agreements. There is language in the City's code that allows development agreements.
- *Why would Councilmembers want to integrate a Master Plan into the Comprehensive Plan?* Mr. Taraday stated assuming a detailed Master Plan is the vision, it provides guidance to the Planning Board and staff regarding zoning that is consistent with vision.
- *What if the Master Plan is outdated?* The hospital Master Plan was developed by the hospital and development of the campus was consistent with the Master Plan. Staff has encouraged Swedish-Edmonds to update the Master Plan.
- *Other cities' Comprehensive Plans are very general. Why would Edmonds want to include specifics?* There are a number of areas poised for development, the overall Comprehensive Plan may not give enough guidance or there may be multiple property owners. A Master Plan provides a clearer idea regarding what the City intends.
- *The City has done contract rezones as recently as 2009. Is the City still doing them?* Mr. Taraday responded that language in State code suggests the State wants to move toward development agreements rather than contract rezones. It is clearer if there is one tool.

Mr. Clifton explained the Westgate form based code is a good example of incentive zoning. He referenced a table on page 50 of the Westgate draft plan and a bonus score sheet on page 53.

B. HIGHWAY 99 CORRIDOR – COMPREHENSIVE PLAN AND ZONING

Mr. Clifton reported on issues the Highway 99 Task Force has been discussing:

- The Burlington Coat Factory property is zoned General Commercial (CG). There has been interest in redevelopment of the site but it is not big enough. The land to the east is zoned RM3. If combined with the CG zoned property, it could be rezoned. It abuts RS8 single family but could provide a significant buffer.
- Whether property around SWIFT stations could accommodate more density.
- North of 236th, the church is interested in providing senior housing on the site but cannot under the existing zoning.

Discussion followed regarding difficulty for residents to get in/out of neighborhoods as more development occurs in the Highway 99 corridor, 228th intersection improvements, and support for combining parcels for a larger commercial use while retaining a large buffer for adjacent single family.

C. INCENTIVE ZONING AND DEVELOPMENT AGREEMENTS

This topic was addressed during Agenda Item A.

D. QUASI-JUDICIAL LAND USE DECISIONS

Mr. Taraday explained after the last quasi-judicial appeal came before the City Council, a number of Councilmembers contacted him saying they were not content with that process. Some Councilmembers do not want to be involved in any quasi-judicial decisions; others found the limits of that review capacity very

frustrating. This is an opportunity to discuss whether the City Council wants to continue its involvement in quasi-judicial matters. He advised cities can appeal their own Hearing Examiner's decisions to Superior Court under LUPA. One option would be for the Council to abandon its role as a quasi-judicial decision maker but adopt a new role of taking a harder look at decisions made by the Hearing Examiner. If the Council continues with its current process, they will say "no" a lot because it is very difficult to overturn the earlier decision.

Council discussion included:

- The last quasi-judicial was an uncomfortable process
- Important for citizens to be able to appeal to the Council
- Not comfortable making that change until code rewrite is complete
- If the Council's main goal is to represent citizens and listen to their voices, cannot do that in a quasi-judicial role
- Whether process is changed or not, the City can appeal a Hearing Examiner decision to Superior Court
- Opposed to Council in quasi-judicial role; Councilmembers do not have experience/expertise in matters
- Appeal to Council does not cost anything versus cost to appeal to court
- When the Council asked the Planning Board to review this a couple years ago, Mr. Chave and Mr. Snyder did not recommend the City Council be in a quasi-judicial role. Although may personally prefer to allow appeal to the City Council, cannot ignore that advice.

Summary: Not initiate change now when a quasi-judicial matter is pending.

8. TRANSPORTATION

A. STREET FUNDING

Mr. Williams reported the situation has become more acute. Not only does the City need a more sustainable ongoing revenue source for pavement management, there is an imbalance in current revenue for basic street maintenance such as potholes, repairing broken curbs, replacing street lights, etc. The City has 133 miles of right-of-way and 6 people (1 additional position is vacant due to lack of funding).

Mr. Williams displayed a graph comparing the ending Fund 111 balance, total revenue, total expenses, General Fund contribution, and TBD revenue in 2006-2013. He provided details of Fund 111 in the 2013 budget:

Fund 111 – 2013 Budget	
Beginning Fund Balance	\$157,290
Revenues	\$1,406,800
Expenses	\$1,558,082
Ending Fund Balance	\$6,008

Mr. Williams explained the only reason the Street Fund does not go negative in 2013 is due to a \$100,000 General Fund transfer. Ongoing revenues versus ongoing expenses are out of balance by over \$250,000 per year.

Discussion followed regarding the reduction in gas tax revenue due to more fuel efficient cars, potential action by the Legislature to approve an additional \$20 vehicle license fee, considering a change in the allocation of REET to street projects, deferred maintenance that leads to deteriorating road bases that then require major reconstruction, intent of TBD funds to supplement the General Fund contribution to Street Fund not replace it, public vote required for a local option gas tax, and how funds generated by an additional \$20 vehicle license fee would be used.

Summary: Finance Committee look at REET allocation.

B. SR 104 TRANSPORTATION CORRIDOR STUDY

Council President Petso summarized the Council passed a motion and provided funding in the 2013 budget for a Transportation Corridor Study of SR-104 from 76th to the ferry terminal for a 20 year planning horizon. This item is on the retreat agenda because staff is unclear what that meant. She read from the motion made by Councilmember Johnson:

The study will determine existing and future deficiencies of the corridor and include implementation strategies to integrate future redevelopment with a focus on pedestrian and bicycle connections, highway access management, and street-scape design implementation. The purpose of the study is to develop a master plan for the corridor, both within and outside the street right of way.

Councilmembers described what they would like the study to include:

- Specific information regarding intersections and rights-of-way near the ferry in anticipation of the ferry terminal moving.
- Traffic study of Westgate intersection that projects redevelopment in that area and from Pt. Wells
- Neighborhood cut-through as a result of traffic volumes at SR-104/76th
- Overpass/underpass on the waterfront

With the above comments, Mr. Williams expressed concern with the scope of the study, anticipating the \$50,000 the Council allocated for a study would not address all those issues. He commented a traffic impact analysis of the intersection from Pt. Wells may be out of sequence and moving the ferry terminal is at least 30-40 years in the future

Councilmember Johnson restated her initial idea: as it relates to Westgate and the form based code, she felt the City needed to look at both the land use and transportation as a form based code is developed. Initially she thought the study would complement the work that has been done regarding land use to ensure making the best use of resources. The amount allocated was lowered during budget deliberations due to competing priorities and the hope of partnering with other agencies such as WSDOT.

Discussion followed regarding whether to change the focus of a form based code to Five Corners while a transportation analysis is completed for Westgate, study that indicates there are no capacity issues at Westgate with draft form based code, and determining the impact on Edmonds from development at Pt. Wells.

Summary: Schedule for Parks, Planning and Public Works Committee.

C. PUBLIC SAFETY AND ACCESS

Police Chief Al Compaan explained Councilmember Bloom requested this item on the agenda for discussion regarding access to the west side of the waterfront in case both the Dayton and Main Street crossings were blocked by a train. The City has tried to reach a resolution to this for years, but has never found a partner willing to agree to the cost of an overpass or underpass. It is less of an issue for the Police Department than the Fire Department; the Police Department can usually find a way to get personnel around a train, the Fire Department needs both personnel and equipment.

FD1 Assistant Chief Mark Correia distributed and reviewed a document entitled "Train Blocking – Tactical Plan."

Chief Compaan explained the most common cause of a blockage is a vehicle on the tracks that is struck by a train. He concluded he did not have a solution to offer; it is something the municipal government needs to continue to discuss.

Discussion followed regarding improving directional signage to keep cars from driving onto the tracks, bigger and heavier-duty signs to identify the crossing, emergency resources available if the tracks were blocked, adding an access point at the south end of the Port to the CIP, and limited funding sources because this is a local priority.

Summary: Draft a placeholder in the CIP.

With regard to Emergency Preparedness, originally Item 9 on Saturday's agenda, Chief Compaan recommended a report on emergency preparedness, emergency response citywide and ESCA coordination with City operations be provided to the Council during a work session.

Summary: Schedule for a 45 minute presentation at a Council work session.

9. MEDICAL MARIJUANA DISPENSARIES / NEW STATE LAW

Patricia Taraday, City Attorney's Office, provided a history of medical marijuana, where the issue is now, and the effects of I-502 on the City.

- I-692 was passed by voters in 1999, allowing for affirmative defense for possession of medical marijuana.
- Senate bill passed in 2011 attempting legalization with registration system. It also, 1) retained and expanded an affirmative defense for collective gardens and dispensaries for the production and distribution of marijuana, and 2) gave cities the authority to zone and regulate medical marijuana via business licensing and health and safety regulations.
- When the bill was presented to the governor, the U.S. Attorney warned the governor it was against federal law. With that warning, the governor vetoed 36 of 58 sections of the bill. What was left was affirmative defense for distribution, possession and production of marijuana, which is different than a collective garden or dispensary being legal. They are still unlawful under state law. Cities were also left with the ability to use zoning powers and business licensing to regulate establishments.
- There is still federal law stating possession and distribution of marijuana is illegal.
- Cities took different approaches: some adopted moratoria, some included a ban on collective gardens and dispensaries in their code, some state they do not allow uses that violate state or federal law, some experienced with implementation and others such as Seattle have allowed dispensaries and collective gardens to exist.
- The passage of I-502 in November 2012 changed the criminal and land use context. I-502 allows for possession of 1 oz. or less of marijuana if over 21 years old, decriminalizes the use of marijuana in public, and changed DUI laws. By December 2013 the State Liquor Board must establish regulations regarding licensing establishments to provide marijuana.

City Attorney Jeff Taraday summarized if the federal government does not step in and shut down I-502 implementation and the State Liquor Board issues licenses, the City will be faced with a zoning decision regarding where it wants dispensaries to be located.

Discussion followed regarding enforcement, determining zones where dispensaries could be located, Edmonds' moratorium that was allowed to expire, potential changes to the Clean Air Act that references tobacco, inquiries staff has received regarding business licenses for dispensaries, the Council establishing a policy and involving the citizens in the discussion.

Summary: Refer to Public Safety and Personnel Committee followed by a public hearing.

10. TRAINING REGARDING REQUESTS FOR PUBLIC RECORDS

Ms. Taraday provided training regarding requests for public records. She described the Public Records Act (RCW 42.56), case law regarding the PRA, objectives of the PRA, exemption under the PRA, what is a public record, the City's obligations under the Public Records Act (PRA), and the Council's role should the City receive a request that involves their records.

She cautioned the Council to use their City email and not their personal email and she referenced *O'Neill v City of Shoreline* regarding the retention of metadata.

11. AUDIENCE COMMENTS

Ron Wambolt, Edmonds, commented the length of Council meetings is a valid concern; it is also a concern for members of the audience. He pointed out the answers to Council questions are often in the materials. With regard to Councilmember Bloom's statement that she asks questions for citizens, citizens can read the materials. Regarding a B&O tax, the reason it is not suitable is it will be damaging to car dealerships as there is no B&O in Lynnwood or Shoreline. With regard to the City's roads, he and his wife walk 2-3 miles/day and see the roads first hand; they are in much worse condition than they appear when driving. Something needs to be done about the condition of the City's roads. He recalled a citizen sought information on his personal computer regarding Harbor Square when those discussions first began six years ago. He questioned the interest in a traffic study related to Pt. Wells when it will take at least ten years to clean up the site. He recommended making that a much lower priority.

Al Rutledge, Edmonds, asked for a list of all grant requests made from 2012 to today's date and the funds that have been received. He also asked for a list of events in City in 2014 and 2015, who applied and if they were turned down, why. He recommended the Council discuss ideas for additional revenue at the retreat.

Bruce Witenberg, Edmonds, pointed out the prior and current City Attorneys advised the Council to get out of the quasi-judicial business. Unfortunately the Council may make the wrong decision because they are not well versed in the issues and as a result the City may be sued and face a substantial judgment. With regard to the length of meetings, adopting and learning Robert's Rules will make meetings go more quickly, particularly the rule that allows all Councilmembers to speak once before a Councilmember speaks again. With regard to educating the public, many of the relevant questions could be included in the staff report. With regard to BD1 zone revisions that will be presented to the Council, they are very important for economic development and he encouraged the Council to take prompt action. With regard to transit oriented development on Highway 99, particularly properties that abut single family residents, parking regulations should discourage residents from having more than one car. With regard to a Metropolitan Park District or park levy, there is a short time to put it on the ballot, and he was not optimistic it could be accomplished. He urged the Council to take time to explore and do it properly as it is important to be prepared and provide more details than the last time.

Mayor Earling expressed appreciation for today's time schedule. Although a lot of the information the Council discussed today was relevant, he was concerned there was no opportunity today or tomorrow to talk about what the Council wants the City to look like in 3-5 years or 10-20 years. He urged the Council to have that conversation, such as scheduling a half day workshop on long term visioning.

(Mayor Earling left the meeting.)

10. TRAINING REGARDING REQUESTS FOR PUBLIC RECORDS (con't)

Ms. Taraday continued her training regarding requests for public records and responded to Council questions. She described when personal email can be considered a public record, formats for records requests, a valid public records request, attorney-client privilege, redacting, penalties for violation of the PRA, and a House bill

that would require public records request training for Councilmembers, procedures for handling public records requests. She summarized:

- Councilmembers should use City email account
- If a request is pending, do not delete or alter records
- The City has heavy obligations under the PRA to comply fully and reasonably quickly to requests

Mr. Taraday reported Councilmembers have the option of using City email; Boards and Commissions currently do not have a City email. He recommended that be changed.

12. MISCELLANEOUS

There were no miscellaneous topics.

The first day of the retreat concluded at 4:34 p.m.

SATURDAY, FEBRUARY 2, 2013 – CALL TO ORDER

Council President Petso called the second day of the retreat to order at 8:30 a.m.

ELECTED OFFICIALS PRESENT

Dave Earling, Mayor
Lora Petso, Council President
Strom Peterson, Councilmember
Frank Yamamoto, Councilmember
Joan Bloom, Councilmember
Kristiana Johnson, Councilmember
Adrienne Fraley-Monillas, Councilmember
Diane Buckshnis, Councilmember

PUBLIC PRESENT

Bruce Witenberg
Darrol Haug
Ron Wambolt
Finis Tupper
Bob Rinehart
Harry Gatjens
Al Rutledge
Roger Hertrich
Ken Reidy

STAFF PRESENT

Al Compaan, Police Chief
Stephen Clifton, Community Services/Economic
Development Director
Phil Williams, Public Works Director
Shawn Hunstock, Finance Director
Carrie Hite, Parks & Recreation Director
Rob Chave, Acting Development Services Dir.
Carolyn LaFave, Executive Assistant
Jeff Taraday, City Attorney
Sandy Chase, City Clerk
Jana Spellman, Senior Executive Council Asst.
Jeannie Dines, Recorder

1. ROLL CALL

City Clerk Sandy Chase called the role. All elected officials were present.

2. CONVENE IN EXECUTIVE SESSION REGARDING POTENTIAL LITIGATION PER RCW 42.30.110(1)(i)

At 8:30 p.m., Council President Petso announced that the City Council would meet in executive session regarding potential litigation per RCW 42.30.110(1)(i). He stated that the executive session was scheduled to last approximately 30 minutes and would be held in the Fournier Meeting Room, located in City Hall. No action was anticipated to occur as a result of meeting in executive session. Elected officials present at the executive

session were: Mayor Earling, and Councilmembers Yamamoto, Johnson, Fraley-Monillas, Buckshnis, Peterson, Petso and Bloom. Others present were City Attorney Jeff Taraday and City Clerk Sandy Chase. At 9:00 p.m., Mayor Earling announced to the public present in the Brackett Room that the executive session would be extended for 10 minutes. The executive session concluded at 9:05 p.m.

The regular meeting was reconvened at 9:09 a.m. Council President Petso led the flag salute.

3. OPENING REMARKS

Council President Petso complimented the Council on a good job yesterday.

4. AMENDMENTS TO AGENDA

COUNCILMEMBER PETERSON MOVED, SECONDED BY COUNCILMEMBER FRALEY-MONILLAS, TO REPLACE ITEM 9, EMERGENCY PREPAREDNESS, WITH ETHICS BOARD AND CODE OF ETHICS (FRIDAY'S AGENDA ITEM 4B). MOTION CARRIED UNANIMOUSLY.

5. IMPLEMENTATION OF STRATEGIC ACTION PLAN

Mr. Clifton described what has occurred to date regarding the Strategic Plan. A draft Strategic Plan was provided to the Council, Planning Board, Economic Development Commission (EDC), Directors, Mayor as well as organizations such as the Chamber of Commerce in December. The draft Strategic Plan was distributed again after minor tweaks were made by the consultant to the introduction and table of contents.

The Planning Board and the EDC held a joint meeting on January 23. The consultant, Tom Beckwith, provided an overview of the draft Strategic Plan and implementation. Due to concerns that the introduction did not adequately describe the Strategic Plan process, the consultant prepared a Q&A which describes the way the plan is structured, why certain items are included, how it will be interpreted and how it will be implemented.

Following Strategic Plan retreat #6, a subgroup consisting of staff, and representatives from the Council, EDC and Planning Board reviewed the preliminary draft. The consultant had grouped the 60 plan actions items under 10 strategic objectives. The subgroup felt that was too many to eventually integrate into Budgeting for Outcomes. As a result the following five strategic objectives were created:

1. Economic health, vitality, sustainability
2. Maintain, enhance and create a sustainable environment
3. Maintain and enhance Edmonds community character and quality of life
4. Develop and maintain a transportation and infrastructure system to meet current and future needs
5. Responsible, accountable and responsive government

The 60 plan actions are organized under those under 5 strategic objectives, beginning with items the public identified as very high. He explained the reason the lower ranked items are included in the Strategic Plan is the 60 plan actions were identified as priorities through open houses, charrettes, interviews, etc.; the survey identified which are the highest. He explained just because an item ranked as a lower priority does not mean it should not be worked on; there may be a certain group willing to pursue it and to them it may be a high priority.

Mr. Clifton reviewed next steps; the consultant is in the process of rewriting based on comments received from Economic Development Commissioners following the January 23 meeting and he (Mr. Clifton) plans to clean up the introduction. The subgroup will then review the draft plan again prior to forwarding it to the City Council. The City Council will host a public hearing or public comment in anticipation of Council support for the Strategic Plan. If the Council supports the Strategic Plan, the next step will be determining implementation which will include Budgeting for Outcomes. He offered to send the four comments he received from Economic Development Commissioners to Councilmembers.

Discussion followed regarding engaging other groups as co-leads and marketing the Strategic Plan to attract participants, leads for plan action items, the EDC doing outreach to non-City groups, working on low and high priority items simultaneously, including essential City functions with highest priorities, and low priority items that may be a high priority for a particular interest group.

Summary: Councilmembers provide Mr. Clifton input on the draft Strategic Plan and he will work with the consultant on incorporating their input. Councilmembers Peterson and Fraley-Monillas are interested in forming a committee to do outreach to non-City groups.

6. **BUDGETING BY PRIORITIES OR BUDGETING FOR OUTCOMES**

Mr. Hunstock distributed copies of the document entitled “Budgeting by Priorities (BP) Structure.” He explained there is no strict process/guideline to follow for BP; everyone who implements the process does it a little differently. The process he outlined may work well for Edmonds. He reviewed the teams for BP and their purpose:

- Oversight Committee (project team) comprised of the Mayor, Finance Director and one or more Councilmembers.
 - Purpose:
 - Create Results Teams centered around each community priority as identified in the City’s Strategic Plan
 - Solicit citizen participation on each of Results Teams
 - Confirm and communicate to Results Teams the significant milestones and timeline
 - Confirm funding objectives (purchasing strategies), intended outcomes and performance measure for each Results Team
 - Periodically Check in with the Results Teams on their progress
 - At the end of the BP process, communicate funding priorities from each Results Teams to the Mayor to be included in the Mayors proposed budget
- Five Results Teams (based on five strategic objectives in Strategic Plan) comprised of City staff (4-5), community members (1-2), and potentially one Councilmember
 - Purpose:
 - Identify specific causal factors that are an essential part of attaining the community priority
 - Define what the funding objectives or purchasing strategies are for the community priority
 - Identify 3-5 performance measures (indicators of results)
 - Offers are ranked in terms of how well the Offers accomplish the intended outcome(s). Feedback is provided to departments about Officers they have submitted
 - Offers are ranked again after questions are addressed with the Results Team and departments rewrite Offers as needed.

Mr. Hunstock summarized it is a very thoughtful and thorough process but it is very time and labor intensive, and there is a learning curve for Council and staff. Some cities initially narrow the scope just to the General Fund; he recommended Edmonds limit the first year to the General Fund. He recalled when Redmond’s Finance Director Mike Bailey provided an overview of the process he said the chances of success are higher with a biennial budget. A biennial budget can only be adopted in an odd year.

Mr. Hunstock distributed and reviewed a BP Steps and Timeline:

<u>Milestone</u>	<u>Date</u>
City Council confirms community priorities identified during the strategic planning process	Early March
Define the available resources	Mid-March
Results Teams are formed around each community priority	Call for participation – early

	March Teams formed – late March
Results teams determine criteria for funding of Offers	Early April
Request for Offers is distributed and funding criteria is communicated	Mid-April
Departments complete the Request for Offer process, indicating how the specific submittal meets the funding criteria established by the Results Team	Mid-April to late May
Results Teams rank Offers based on the extent to which they achieve success in reaching the community priority	Early June
Departments revise Offers based on feedback from Results Team	Early July
Final rankings are determined by Results Teams, rankings are communicated to Mayor to be included in Preliminary Budget	Late July
Mayor presents Preliminary Budget to Council	Early October
Council reviews budget during public hearings	Mid-October to early November
Adoption of final budget	Late November to early December

Discussion followed regarding Redmond's expenditure of \$200,000 for consultants to assist with initiating a BP process, Ordinance No. 3789 that allows for a biennial budget, initial painful process, and composition of Results Teams.

Summary: City Council to confirm community priorities and volunteer for Results Teams.

7. PFD STRUCTURE, DEBT REPAYMENT, AND/OR CAPITAL RESERVE

Mr. Hunstock distributed and reviewed information regarding the Edmonds Public Facilities District (EPFD) including its creation, the 2002 Interlocal Agreement regarding purchase of the site, the City bonding on behalf of the EPFD, the 2008 Interlocal Agreement, and Contingent Loan Agreement (CLA).

He distributed bond payment schedules for 2002 and 2008 bonds and EPFD estimated revenues and expenditures. He noted the EPFD estimated revenues and expenditures is worst case scenario, and does not include naming rights and other possible revenue sources. It also assumes sales tax credit ends in 2026; if that is extended by the Legislature, the EPFD's financial picture improves.

Discussion followed regarding concern that the EPFD's financial information was not readily available when requested, having the Finance Committee review the EPFD's financial information, concern the EPFD's budget does not include funds for a capital reserve, concern the City's elected officials were not included in the EPFD's entrance and exit conferences, composition and purpose of the PFD Task Force, the EPFD as a separate governmental agency, significant infrastructure needs for the Edmonds Center for the Arts (ECA) building, assistance City staff has provided ECA staff, possibility of FEMA grant if the ECA can serve as emergency operations facility and the City's Finance Director as an ex-officio member of the EPFD Board.

Summary: City needs to be an active participant.

8. STUDENT AND SENIOR VOLUNTEERS

A. VOLUNTEER RECOGNITION

Councilmember Johnson proposed the Mayor and Council have an event to recognize all volunteers. The City has 16 different advisory boards, committees, commissions and taskforces that give advice to City Council;

approximately 120 people. She relayed Councilmembers Fraley-Monillas and Yamamoto have agreed to make an initial recommendation. She is seeking a date, location, the nature of the event and the cost. A brief discussion followed regarding the possibility of holding an event at the Senior Center, volunteer recognition events held by other organizations and seeking participation from businesses.

Summary: Councilmembers work with administration on a volunteer recognition event.

B. STUDENT AND SENIOR VOLUNTEERS

Council discussion included identifying projects to involve volunteers in, potential liability of a volunteer doing City business, including an invitation in the City newsletter for volunteers, difficulty finding a Student Representative, ways to recruit more student volunteers, Boards and Commission's efforts to recruit Student Representatives, a suggestion for the Mayor's volunteer to set up outreach to schools, and full-time staff person in Kirkland who engages with youth.

Summary: Refer to Committee for further discussion and effort.

10. AUDIENCE COMMENTS

Darrol Haug, Edmonds, suggested the City would run better if the Council held more televised retreats. He suggested one televised meeting per month in Council Chambers to discuss items on which the Council will later make a decision. With regard to the Strategic Plan, he pointed out the survey was statistically valid and is representative of the citizens. He expressed support for Budgeting by Priorities (BP), stating it is the best thing the Council can do for the City. He suggested adding one step; once committees and teams have been selected, do a simulated BP process using the 2013 budget in order to, a) understand the process, and b) get citizens involved. He recommended as many of the BP process deliberations as possible occur in the public so the public feels they can be involved. With regard to volunteerism, he encouraged the Council to listen to its volunteers. The City of Seatac reported they have \$200,000 in volunteer man hours

Ron Wambolt, Edmonds, recalled the City had a biennial budget in 2007-2008 and 2009-2010. It was discontinued because of the difficulty seeing that far ahead. He commented BP seems like a lot of hard work and questioned the real benefits. He suggested asking cities who use that process whether their City ran better economically after BP than it did before BP. With regard to quasi-judicial hearings, he recalled the City Attorney saying Councilmembers want to hold quasi-judicial hearings because they think they are being helpful to citizens but most of the time, the Council has to tell them no. While a Councilmember, he assisted with removing the Council from quasi-judicial hearings but that was later reversed. His research of six hearings before the City Council in recent years, the Council ruled in favor of the Hearing Examiner five times and once in favor of the developer; the citizens lost all six times.

Al Rutledge, Edmonds, commented on organizing and holding events in the City.

Ken Reidy, Edmonds, urged the Council to highly prioritize the code rewrite and to improve the record keeping for executive sessions by keeping more detailed records. With regard to calling the question, he read from the Municipal Research and Services Center (MRSC) website, "Used to bring the body to an immediate vote. It closes debate and stops further amendment. Contrary to some misconceptions, the majority decides when enough discussion has occurred, not the moderator. The formal motion is to "call for the question" or "call for the previous question," or simply, "I move to close debate." The motion requires a second, is not debatable and requires a two-thirds majority." He suggested the Council consider this related to the Council's vote at their last meeting.

Roger Hertrich, Edmonds, suggested when the Council is discussing legal issues, the City Attorney be more direct with his answers. Next, he was glad to hear staff mention chip seal during their presentation. With regard

to Harbor Square, he expressed concern the final Comprehensive Plan findings was not discussed at the Planning Board. Next, he referred to the Four Nos regarding moving the ferry terminal and suggested that be on the Council's agenda. He urged the Council to appoint a representative to the School Board, noting the decisions the School Board makes and the property they own has more effect on the City than the Port.

Bruce Witenberg, Edmonds, encouraged the Council to retain the opportunity for public comment during committee meetings. He assured there are not long dialogues with staff and public input has always been courteous and informative; questions are answered by staff or committee members. He encouraged the Council to watch the January 23 joint meeting with the Planning Board, Economic Development Commission and the consultant. With regard to student volunteers, he recalled his son was a student volunteer on the skate park and worked three years to design and build it. He used that experience in college. If the Council pursues a parks levy, he recommended including a project for students in order to engage them in campaigning for the levy. He agreed with Mr. Hertrich's suggestion for the Council to appoint a representative to the School District Board and also suggested Councilmembers attend the Superintendent's monthly roundtable meetings.

9. ETHICS BOARD AND CODE OF ETHICS

Councilmember Bloom explained she wanted the Council to adopt an ethics policy that addresses boards/commissions, elected officials and staff. There are many policies in Washington that could be adapted for Edmonds. The next step is to form an ethics committee; if a citizen has a question about something such as a conflict of interest, they can go to the ethics committee and determine whether something is potentially an ethics violation. She recommended the Council, 1) adopt an ethics policy, and 2) form an ethics committee. She sought Council approval for the Public Safety & Personnel Committee to pursue this.

Ms. Hite explained the recently adopted personnel policy has an extensive ethics policy for employees; that is the best place for policies regarding employees. She encouraged the Council to develop an ethics policy for boards/commissions and elected officials but not to include employees.

Discussion followed regarding other cities' ethics policies, past unsuccessful efforts to develop a code of ethics policy, developing a policy with enough examples to provide direction, and the difference between a code of conduct and code of ethics.

Summary: Refer development of code of ethics to Public Safety and Personnel Committee.

11. POTENTIAL ACTION AS A RESULT OF MEETING IN EXECUTIVE SESSION

No action.

10. MISCELLANEOUS

Based on yesterday's discussion regarding public comment at committee meetings, Council President Petso distributed language for committee meeting notices and asked Councilmembers to submit comments/concerns to Ms. Chase.

The retreat was adjourned at 11:37 p.m.